

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

Bail Appl.No. 3893 of 2007(A)

CRIME NO. 161/07 OF ANCHAL POLICE STATION

PETITIONERS/ACCUSED NO.1 & 2

1. AJAYAKUMAR, ANITHA MANDIRAM, THAZHAMEL,
ANCHAL.
2. SAJEEV, THADATHIL PUTHEN VEEDU,
THAZHAMEL, ANCHAL.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS: COMPLAINANT

1. THE STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE,
ANCHAL POLICE STATION.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 3893 of 2007

Dated this the 28th day of June, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 1 and 2. Altogether there are three accused persons. The defacto complainant was the owner of a vehicle, in respect of which he had availed a financial loan from a Financier. The petitioners are persons dealing in cars. The defacto complainant transferred his vehicle to the first accused, who, in turn allegedly transferred the same to the third accused. The grievance of the defacto complainant, it would appear, is that amounts due to the Financier are not being paid regularly. There is, of course, a further allegation that there has been alteration in the number of the vehicle. A private complaint was filed by the defacto complainant, which was referred to the police by the Magistrate. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the allegations are totally incorrect and unjustified. Admittedly the fact that the defacto complainant had transferred his vehicle to another is

not challenged. The petitioner has a further case that all payments due to the Financier have been made regularly without default. In these circumstances it is totally unnecessary and unjust to subject the petitioners to the trauma of undeserved arrest and detention, submits the counsel.

3. Notice was given to the learned Prosecutor. He does not seriously oppose the prayer for anticipatory bail. He submits that the investigation is in the early stage. Appropriate directions may be issued under Section 438 Cr.P.C. which shall ensure the interests of a fair, efficient and expeditious investigation.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 5.7.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 4 p.m. on 6.7.07 and

7.7.07 and thereafter on all Mondays between 10 a.m. and 12 noon for a period of three months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 5.7.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 5.7.2007 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 5.7.2007.

(R. BASANT)
Judge

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